REMARKS

The Office Action dated August 26, 2003 has been received and carefully noted. The above amendments to the claims, and the following remarks are submitted as a full and complete response thereto. Claims 1-58 are pending in this application with claims 1, 3, 12, 17, 19, 28 and 33 being amended and claims 57 and 58 added. No new matter is presented. In the outstanding Office Action, the specification and the drawings were objected to and claims 1-32 were rejected under 35 U.S.C. 112. Also, Claims 1-56 were rejected under 35 U.S.C. 103(a) (two separate rejections). In view of the above amendments and the following remarks, Applicants request the favorable consideration of claims 1-58.

Specification

The Office Action objected to the specification for containing embedded hyperlinks and/or browser-executable code. The specification is amended to overcome this objection. Accordingly, Applicant respectfully requests the withdrawal of the objection to the specification.

The specification is also amended to more clearly and distinctly describe the features illustrated in the figures. The amendments to the specification are supported by the specification (Pages 6-15) and claims 1-58.

Drawings

The drawings were objected for failing to show every feature of the claimed invention. Figures 1 and 2 are amended and figures 3 and 4 are added. No new matter is

presented. Support for figures 3 and 4 is found in the specification (Pages 6-15) and claims 1, 3, 17, 33, 54, 57, and 58. Accordingly, Applicants respectfully request the withdrawal of the objection to the drawings.

35 U.S.C. § 112, Second Paragraph

Claims 1-32 were rejected under 35 U.S.C. § 112, second paragraph. The Office Action takes the position that claims 1-32 fail to point out and distinctly claim patentable subject matter. Claims 1 and 17 are amended to more clearly and distinctly recite the features of the claimed invention. In regard to claim 1, the Office Action states that the relationship between the key data, the purchase of the physical token and the player data is unclear. In the specification, it is specified that a user purchases a physical token that has key data associated with it and that the token takes the form of a card 204 having an access code printed on it. Also, the access code can be the key data itself or can be associated with the key data used to access the server 202. The key data establishes that a physical token has been purchased and that the player is to be associated with the selected player data. It should be noted that claims 3, 12, 19, and 28 have also been amended to more clearly and distinctly recite the features of the claimed invention. In view of the above amendments and the following remarks, Applicant requests the favorable consideration of claims 1-32.

35 U.S.C. § 103

Claims 1-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,224,486). The Office Action takes the position that Walker

teaches and/or suggests the features recited in claims 1-32. Applicant respectfully disagrees.

Claim 1 is directed to a method of interconnecting a plurality of users via a communications network including an internet portion. The method includes the steps of accepting key data form at least one player via a user terminal, the key data being indicative of purchase of a physical token and being associated with player data. The steps include validating the key data, allowing each player access to an online game of skill running on a server and playable via the respective user terminals connected to the server via the internet portion, and accepting gaming inputs associated with the game from the players via the respective user terminals. The method also includes the steps of providing gaming data to each of the user terminals, the gaming data being based on interaction between gaming software, the gaming inputs from the user terminals, and the player data associated with the user terminals and their respective associated key data. The method further includes the step of determining one or more winners from amongst the users playing the game of skill on the basis of the gaming software and allocating a prize to the winner.

Claim 17 recites an apparatus for interconnecting a plurality of users via user terminals and a communications network including an internet portion. The apparatus including a gaming server connected to the user terminals via the internet portion programmed with gaming software defining a game of skill and configured to accept key data from at least one player via a user terminal, and validating the key data. The key data is indicative of purchase of a physical token and is associated with player data. The apparatus also allows each user terminal access to the game of skill via the respective

user terminals, and accepts gaming inputs associated with the game from the players via the respective user terminals. The apparatus also provides gaming data to each of the user terminals. The gaming data is based on interaction between the gaming software, the gaming inputs from the user terminals, and the player data associated with the user terminals and their respective associated key data. The apparatus also determines whether one or more winners from amongst the users playing the game of skill on the basis of the gaming software and allocating a prize to the winner.

Walker is directed to a distributed electronic tournament system 100 with a central controller 102 connected to a number of input/output devices. Walker discloses a method for identifying a player communicating with a input/output device, responding to the payment of an entry fee, accessing a database to store the player information, and awarding the player for performance in the tournament.

However, Walker fails to teach and/or suggest accepting key data from at least one player via a user terminal, the key data being indicative of purchase of a physical token and being associated with player data. Also, Walker fails to teach and/or suggest a communications network including an internet portion.

The claimed invention provides a competitive gaming experience via the Internet. Thus, to avoid the need to transfer secure information (such as credit card information) over the Internet, the claimed invention provides a physical token, which is prepaid, and the purchase of which is denoted by key data. It is the key data that is supplied over the Internet and not the personal information of the player.

The physical token of the present application has many embodiments including a card having printed upon it an access code which can be scratched away and entered on-

line, or alternatively key data stored within memory, for instance using a flash card, smart card, CD-ROM or DVD (see page 8, line 7). However, in all embodiments, the physical token is prepaid and key data denoting the purchase is supplied over the Internet, rather than the prospective user having to transmit personal details over the Internet. In contrast, Walker requires the transmission of financial details over the Internet. That is, Figure 4 of Walker shows the process steps for payment of an entry fee to an on-line tournament, where the central controller requests the player to enter payment information into the I/O device at step 350. Then at step 352 the payment information is communicated to the central controller via the communication network. At step 354 the player's record in the database is updated to reflect that the player is eligible to anticipate in the tournament (see column 6, lines 55 to 63). Furthermore, Walker (column 7, lines 14 to 18) describes the basis for the payment system, which involves providing a unique identifier to the central controller and then pulls the relevant user's credit card number from the database and credits the appropriate fee amount. Walker also discloses an advantage over known systems in that the credit card number does not need to be transmitted. However, this system still needs to maintain a credit card number in a database in the central controller for matching up with the user's unique identifier, and therefore is potentially still open to credit card fraud from hackers. The present invention, however, avoids the need to store credit card information on remote servers. (See page 2, lines 6 to 9 of the specification.)

Figure 8 of Walker shows another type of payment option in which the player approves automatic payments. However, this payment option also requires personal information to be stored, such as credit card information (see column 15, lines 20 to 21).

The claimed invention discloses a prepaid concept which is implemented using a physical token which is purchased by a user and therefore a user who wishes to take part in an on-line game does not need to provide any personal payment details. The present invention is also distinguishable over Walker in that the key data which indicates purchase of a physical token is associated with player data which is then used in interaction between the gaming software and the gaming input to provide gaming data.

The Office Action took the position that debit cards and credit cards are embodied on physical tokens. However, debit cards and credit cards do not provide key data, which is indicative of a purchase of a physical token. They only allow a holder of the credit card to identify himself as good for credit associated with that particular number. The user has not purchased anything until he uses the credit card number. Thus, debit cards and credit cards do not disclose the key feature of key data being indicative of purchase of a physical token. Thus, it is respectfully submitted that Walker fails to teach and/or suggest accepting key data from each user terminal wherein the data is indicative of a token being associated with player data. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-32 under 35 U.S.C. §103.

Claims 33-56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,224,486) in view of Barcelou (U.S. Patent No. 6,048,271). The Office Action took the position that the combination of Walker and Barcelou teach and/or suggest all the features recited in claims 33-56. Applicants respectfully disagree.

Claim 33 recites a method enabling user access to interactive gaming on a remote server via a computer terminal and an associated communications link including an internet portion. The method includes the steps of interfacing a physical token with the computer

terminal, the physical token having memory with which key data is stored. The method also includes automatically extracting key data from the memory in to the computer terminal and providing the key data to the remote server via the communications link, and validating the key data in the remote server. The method further includes the steps of enabling access to an interactive game running on the server and playable via the user terminal and accepting via the computer terminal gaming inputs associated with the game , and providing gaming data to the computer terminal from the remote server via the internet portion. The game data is based on interaction between the gaming software running the software, the gaming inputs form the computer terminal, and the gaming inputs. The method also includes the step of determining a winner of the game on the basis of the gaming software and in the event the user of the computer terminal is a winner, allocating a prize.

Barcelou discloses a gaming system having a control device, user stations, a currency acceptor/disburser, and smart card reader/encoders. The Office Action utilizes Barcelou to disclose the teaching of a physical token interfacing with a computer terminal. However, it is respectfully submitted that there is no motivation to combine the teachings of Barcelou with that of Walker.

Specifically, Barcelou relates to gaming kiosks, and not to an on-line gaming method implementable over the Internet. Also, Walker depends on the transmission of personal financial information over the Internet for its implementation, thus it would not be obvious to a person skilled in the art to introduce a different payment technique in the context of Walker. Furthermore, in Barcelou, the payment is made at a retail kiosk directly in communication with the controller. There is no transmission of key data or gaming data

over the Internet. In other words, since Barcelou is operative in an independent setting, one skilled in the art would not be motivated to combine the teaching of Barcelou with that of Walker to teach and/or suggest the claimed invention. Accordingly, it is submitted that there is no motivation to combine the teachings of the cited references. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 33-56 under 35 U.S.C. § 103.

New Claims

New claims 57 and 58 have been added to further claim the present invention. Specifically, new claims 57 and 58 recite a physical token having an access code that is concealed and revealed after purchase. No new matter is presented. Thus, it is submitted that new claims 57 and 58 recite features that are neither taught nor suggested by the applied references. Accordingly, Applicant respectfully requests consideration and allowance of these claims for at least the reasons discussed above.

Conclusion

Applicant's remarks have overcome the objections and rejections set forth in the Office Action dated August 26, 2003. Claims 1, 3, 12, 17, 19 and 28 have been amended to more particularly point out and distinctly claim the subject matter that Applicant regards as the invention and thus overcome the rejection of these claims under 35 U.S.C. § 112, second paragraph.

Applicant's remarks have distinguished claims 1-32 from Walker et al. and thus overcome the rejection of these claims under 35 U.S.C. § 103(a). Applicant's remarks

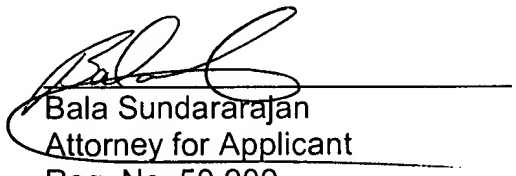
have also distinguished claims 33-56 from the combination of the Walker et al. and Barcelou, and thus overcome the rejection of these claims under 35 U.S.C. § 103(a). New claims 57 and 58 are added. Accordingly, claims 1-58 are in condition for allowance. Therefore, Applicant respectfully requests consideration and allowance of claims 1-58.

Applicant submits that the application is now in condition for allowance with claims 1-58 contained therein. Should the Examiner believe the application is not in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time. The Commissioner is authorized to charge payment for any additional fees, which may be required with respect to this paper to Counsel's Deposit Account 01-2300, making reference to attorney docket number 108800-00005.

Respectfully submitted,

Arent Fox Kintner Plotkin & Kahn



Bala Sundararajan
Attorney for Applicant
Reg. No. 50,900

Customer No. 004372
1050 Connecticut Ave. NW
Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6261
Fax: (202) 638-4810

Enclosures: Figures 1-4

GEO:BKS/elz